IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 19TH JULY 2006 / 28TH ASHADHA,1928

Bail Appl..No. 4323 of 2006

LP.118/2001 of J.M.F.C.-I,NEYYATINKARA
(CRIME NO.101/1995 OF NEMOM POLICE STATION)

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PETITIONER/4TH ACCUSED

MANOJ,S/O.RAGHAVAN,
MARUTHANKATTU VEEDU, KARUMOM,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS: STATE & COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE, NEMOM POLICE STATION, THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR T.K. KUNHABDULLA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4323/2006

DATED THIS THE 19TH DAY OF JULY, 2006

O R D E R

The petitioner was the fourth accused, in crime No.101/1995 of Nemom police station. The offence alleged against him and others were under Sections 143, 147, 148, 452, 324, 323, 326, 379 and 427 IPC read with Section 149 IPC. The Court proceeded against the accused, including the petitioner. During the stage of the examination of the accused, under section 313 Cr.P.C., the petitioner absconded and thereafter, his whereabouts were not known. Hence the trial of the case continued, except against the petitioner as well as another accused, after having split up the case against those persons from the main case. The case against the petitioner is now stated to be in L.P.No.118/2001 on the file of the Judicial Magistrate of First Class-I, Neyyattinkara. The petitioner apprehends arrest because of the pendency of the non bailable warrant against him. Hence he is before this

Court under Section 438 Cr.P.C.

2. I heard both the learned Public Prosecutor and the counsel and gone through the records that are available in the case. In the circumstances of this case, I direct the petitioner to surrender before the Judicial Magistrate of First Class-I, Neyyattinkara, within one week from today, and move an application for bail, after serving copy of the same to the APP of that Court, well in advance, and in such event, the learned Magistrate shall hear and dispose of the bail application, on merit, on the same day itself.

J.M.JAMES
JUDGE

mrcs